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Of Attorneys for Mark Metzger, Debtor.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In Re:)	
)	Case No. 14-34786-elp7
Mark Steven Metzger)	
)	
Debtor.)	
-----)	-----
Wendy Ann Metzger, Individually and)	Adversary Case No: 14-03270-elp
On behalf of her minor daughter, A.P.S.)	
)	DEFENDANT'S ANSWER AND
Plaintiffs,)	AFFIRMATIVE DEFENSES
)	
Mark Steven Metzger,)	
)	
Defendant.)	
-----)	

Defendant Mark Metzger, for his Answer to the Complaint herein does admit or deny as follows:

1. Admits Paragraph 1.
2. Admits Paragraph 2.
3. Admits Paragraph 3 insomuch as the action is brought under Fed. Rule Bankr. Proc 7001 seeking a determination of the dischargeability of an unliquidated debt obligation, but otherwise denies Paragraph 3.
4. Admits Paragraph 4.
5. Admits Paragraph 5.
6. Admits Paragraph 6.
7. Admits Paragraph 7.

8. Admits Paragraph 8.
9. Admits Paragraph 9.
10. Admits Paragraph 10.
11. Denies Paragraph 11.
12. Lacks sufficient information to admit or deny Paragraph 12 and thus denies the same.
13. Admits Paragraph 13.
14. Admits Paragraph 14.
15. Admit Paragraph 15.
16. Admits Paragraph 16.
17. Admits Paragraph 17.
18. Defendant admits or denies Paragraph 18 as more fully detailed above.
19. Admits Paragraph 19.
20. Admits Paragraph 20 but lacks information as to whether such conduct satisfies the elements of willful and malicious injury under federal law.
21. Admits in Paragraph 21 that Defendant pled guilty to the crime of Attempt, but otherwise lacks information regarding the remainder of Paragraph 21.
22. Admits in Paragraph 22 that Defendant pled guilty to an attempt crime, that the attempted acts were done intentionally, but otherwise lacks information regarding the remainder of Paragraph 22.
23. Denies Paragraph 23.
24. Denies in Paragraph 24 that Plaintiffs' have any right to amend their complaint to add counts under 11 USC §523(a)(2) or 11 USC§727.

FIRST AFFIRMATIVE DEFENSE

25. At all material times relevant to the actions referenced in Plaintiffs' Complaint, Defendant (1) lacked the state of mind to form a subjective intent to cause the intentional injury and (2) lacked the state of mind to believe that injury was substantially certain to occur as a result of his attempted

actions and (3) lacked the state of mind to understand that his attempted actions necessarily caused injury to Plaintiffs.

**SECOND AFFIRMATIVE DEFENSE
FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED**

26. As to the claim of Plaintiff Wendy Metzger, Plaintiff's claim fails to state sufficient factual matter which if accepted as true and plausible on its face, constitutes a claim upon which relief can be granted.

**THIRD AFFIRMATIVE DEFENSE
STATUTE OF LIMITATIONS**

27. As to the claim of Plaintiff Wendy Metzger, Plaintiff's claim is not timely as not being brought within two years after accrual of the cause of action as required by ORS 12.110.

WHEREFORE, Defendant prays for relief in accordance with the Answer and Affirmative Defenses.

Dated: December 23, 2014

Respectfully submitted,

/s/ Michael D. O'Brien
Michael D. O'Brien, OSB 951056
Of Attorneys for Debtor

CERTIFICATE OF SERVICE

I certify that on December 30, 2014 I served the foregoing Defendant's Answer and Affirmative Defenses on the following parties by mailing to each at the address below in a sealed envelope, with postage prepaid, and deposited in the United States Post Office:

Mark Metzger
14874 NE Rose Parkway, #61-B
Portland, OR 97230

Johnathan C. Kuni
Kuni Donaldson, LLP
1975 SW 1st Ave., Suite H
Portland OR 97201

I further certify that the following person(s) will be served electronically Via ECF

MICHAEL D O'BRIEN on behalf of Debtor Mark Metzger
enc@orbankruptcy.com, bob@orbankruptcy.com; hugo@orbankruptcy.com

US Trustee, Portland
USTPRegion18.PL.ECF@usdoj.gov

_____/s/ Michael D. O'Brien
Michael D. O'Brien, OSB 951056